

In the Matter of)
)
Connect America Fund) WC Docket No. 10-90

Central Utah Telephone (“Central Utah”) and Skyline Telecom (“Skyline”), hereby submit these comments in response to the Public Notice commencing the Alternative Connect America Cost Model (“A-CAM”) challenge process.¹ Central Utah and Skyline share the Commission’s interest in promoting the deployment of broadband-capable infrastructure in rural, high-cost areas, and appreciate the Commission’s commitment to correcting inaccuracies within the A-CAM to ensure the model’s fulfillment of that greater purpose.

Central Utah was founded in 1903 as Fairview Telephone Company. Central Utah continues to operate as a rural incumbent local exchange carrier (“ILEC”) in a single study area in Utah.² Central Utah provides telephone and broadband services to portions of Sanpete, Carbon, Wasatch, and Utah Counties in Central Utah, serving over 2,700 voice and 1,600 broadband customers. Skyline also operates as a rural ILEC in a single study area in Utah.³ Skyline serves over 1,900 voice and 1,000 broadband customers in the counties of Sanpete, Utah, Juab, and Tooele in Utah.

³ Skyline's SAC is 502283, and its FRN is 20611620.

Central Utah and Skyline submit this challenge to facilitate the correction of the A-CAM to accurately reflect the competitive coverage within the two Utah study areas they serve. As discussed in greater detail below, version 2.2 of the A-CAM improperly excludes Central Utah and Skyline from eligibility for A-CAM-based support based on two inaccuracies within the data. First, version 2.2 of the A-CAM incorrectly lists CentraCom Interactive (“CentraCom”)⁴ as a competitive company throughout Central Utah and Skyline’s service territories, when in fact CentraCom is an affiliate of both companies and does not offer voice services (and therefore could not disqualify Central Utah and Skyline from receiving model-based support even if it were an independent “competitor”). Second, and independently, A-CAM version 2.2 excludes two census blocks within Central Utah’s study area based on the presence of a wired broadband service provider, Emery Telephone (“Emery”), notwithstanding that Emery does not have any facilities nor do they provide voice or data services in these census blocks.

DISCUSSION

In the *Rate-of-Return Reform Order*, the Commission directed the Bureau to update the A-CAM “to incorporate ... June 2015 FCC Form 477 data” for the purpose of “ensur[ing] that support is not provided to overbuild areas where another provider already is providing voice and broadband service.”⁵ The Bureau released version 2.2 of the A-CAM on April 7, 2016, but in doing so incorrectly excluded Central Utah and Skyline from eligibility for A-CAM-based support. Central Utah and Skyline submit this challenge to correct inaccuracies reflected in A-

⁴ CentraCom’s FRN is 20611620.

⁵ *Connect America Fund; ETC Annual Reports and Certifications; Developing a Unified Intercarrier Compensation Regime*, Report and Order, Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking, WC Docket Nos. 10-90, 14-58, CC Docket No. 01-92, FCC 16-33 ¶ 71 (rel. March 30, 2016) (“*Rate-of-Return Reform Order*”).

CAM version 2.2 and request that the changes detailed below be incorporated into the final version of the model.

I. THE PRESENCE OF CENTRACOM IN CENTRAL UTAH AND SKYLINE’S STUDY AREAS DOES NOT PROVIDE A BASIS FOR EXCLUDING CENTRAL UTAH OR SKYLINE FROM RECEIVING SUPPORT UNDER THE A-CAM

CentraCom is a provider of video and fixed wireline broadband services. CentraCom, an affiliate of both Central Utah and Skyline, provides video and broadband services in 302 census blocks within Central Utah’s service area and within 56 census blocks of Skyline’s service area.⁶ As attested to in the attached Declaration of Eddie L. Cox, CentraCom does not, however, provide voice services of any kind within the service areas of Central Utah and Skyline.⁷ CentraCom, which is neither a competitor of Central Utah or Skyline nor a provider of voice services, is not an “unsubsidized competitor[]” that “already is providing voice and broadband service,” and therefore does not provide a basis for excluding Central Utah or Skyline census blocks based on competitive overlap.⁸ Accordingly, these census blocks should not be deemed ineligible for A-CAM-based support in the final model.

II. EMERY IS IMPROPERLY INCLUDED WITHIN CENTRAL UTAH’S STUDY AREA AND THEREFORE DOES NOT PROVIDE A BASIS FOR EXCLUDING CENTRAL UTAH FROM RECEIVING SUPPORT UNDER THE A-CAM

Separately, although A-CAM version 2.2 identifies Emery as a competing provider of broadband and voice services in two Central Utah census blocks (490070005001233 and 490070005001234), Emery and Central Utah, in fact, have no overlapping service areas.⁹ Emery

⁶ See Exhibit A, CentraCom Census Blocks.

⁷ See Declaration of Eddie L. Cox.

⁸ *Rate-of-Return Reform Order* ¶ 71.

⁹ See Exhibit B, Central Utah-Emery Census Blocks.

does not have any facilities nor do they provide voice or data services in these census blocks, as confirmed in the attached Declaration of Brock Johansen.¹⁰

Because Emery does not provide any services in these census blocks, Emery is not an “unsubsidized competitor” that is “already providing voice and broadband service.”¹¹ In turn, designating Central Utah as eligible for model support in these border-area census blocks would not result in providing support to any “overbuild area[.]”¹² Accordingly, the Commission should ensure that locations within these census blocks in question are not deemed ineligible for A-CAM-based support in the final model.

CONCLUSION

For the foregoing reasons, Central Utah and Skyline challenge version 2.2 of the A-CAM and urge the Commission to correct these inaccuracies such that Central Utah and Skyline are not unfairly denied the right to elect model-based support. Central Utah and Skyline look forward to working with the Bureau to ensure that accurate data are used to identify areas eligible for support under the final version of the A-CAM.

Respectfully submitted,

/s/ Matthew A. Brill

Matthew A. Brill
Alexander L. Stout
LATHAM & WATKINS LLP
555 Eleventh Street, NW
Suite 1000
Washington, DC 20004

*Counsel for Central Utah Telephone and
Skyline Telecom*

¹⁰ See Declaration of Brock Johansen.

¹¹ *Rate-of-Return Reform Order* ¶ 71.

¹² *Id.*

DECLARATION OF EDDIE L. COX ON BEHALF OF CENTRACOM INTERACTIVE

1. My name is Eddie L. Cox, and I am the General Manager for CentraCom Interactive ("CentraCom"). This declaration is based on my personal knowledge and a review of CentraCom's business records.

2. In all areas within the service territories of Central Utah Telephone and Skyline Telecom, CentraCom does not provide voice services.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 28TH day of April, 2016.



Eddie L. Cox

DECLARATION OF BROCK JOHANSEN ON BEHALF OF EMERY TELEPHONE

1. My name is Brock Johansen, and I am the General Manager for Emery Telephone ("Emery"). This declaration is based on my personal knowledge and a review of Emery's business records.

2. In census block 490070005001233 and 490070005001234, Emery Telephone does not have any facilities nor do they provide voice or data services in these two census blocks. Accordingly Emery has submitted revised 477 data for the periods ending 12/31/2015 and 6/30/2015 to correct previously filed data regarding these blocks.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 28 day of April, 2016.

Brock Johansen

A handwritten signature in black ink, appearing to be 'Brock Johansen', is written over a horizontal line.

EXHIBIT A

CentraCom Census Blocks

Central Utah – Study Area 502277

490399721001251	490399721003100	490399721005047
490399721001289	490399721003101	490399721005048
490399721001291	490399721003102	490399721005049
490399721001292	490399721003103	490399721005050
490399721001293	490399721003104	490399721005051
490399721001295	490399721003105	490399721005052
490399721001305	490399721003106	490399721005053
490399721001308	490399721003107	490399721005054
490399721001310	490399721003108	490399721005055
490399721001311	490399721003109	490399721005056
490399721001312	490399721003115	490399721005057
490399721001313	490399721003117	490399721005058
490399721001315	490399721003123	490399721005059
490399721001316	490399721003124	490399721006052
490399721001317	490399721004086	490399721006053
490399721001318	490399721004087	490399721006059
490399721001319	490399721004089	490399721006060
490399721001320	490399721004092	490399721006064
490399721001321	490399721004093	490399721006074
490399721001322	490399721004094	490399721006075
490399721001323	490399721004095	490399721006076
490399721001324	490399721004096	490399721006077
490399721001325	490399721004097	490399721006081
490399721001327	490399721004098	490399721006082
490399721001328	490399721004099	490399721006083
490399721001329	490399721004100	490399721006084
490399721001334	490399721004104	490399721006085
490399721001335	490399721004142	490399721006086
490399721002000	490399721004143	490399721006087
490399721002001	490399721004161	490399721006088
490399721002002	490399721004162	490399721006089
490399721002003	490399721004163	490399721006090
490399721002004	490399721004165	490399721006091
490399721002005	490399721004170	490399721006092

490399721002006	490399721004171	490399721006093
490399721002007	490399721004172	490399721006106
490399721002008	490399721004173	490399721006109
490399721002009	490399721004174	490399721006110
490399721002010	490399721004175	490399721006111
490399721002011	490399721004180	490399721006112
490399721002012	490399721004181	490399721006113
490399721002013	490399721004182	490399721006114
490399721002014	490399721004184	490399721006115
490399721002015	490399721004189	490399721006116
490399721002016	490399721004190	490399721006117
490399721002017	490399721004191	490399721006118
490399721002018	490399721004192	490399721006119
490399721002019	490399721004193	490399721006120
490399721002020	490399721004194	490399721006121
490399721002022	490399721004195	490399721006122
490399721002023	490399721004196	490399721006123
490399721002024	490399721004197	490399721006124
490399721002025	490399721004200	490399721006125
490399721002026	490399721004201	490399721006126
490399721002027	490399721005000	490399721006127
490399721002028	490399721005001	490399721006128
490399721002029	490399721005002	490399721006129
490399721002030	490399721005003	490399721006130
490399721002031	490399721005004	490399721006131
490399721002032	490399721005005	490399721006132
490399721002033	490399721005006	490399721006133
490399721002035	490399721005007	490399721006135
490399721002038	490399721005008	490399721006136
490399721003043	490399721005009	490399721006137
490399721003044	490399721005010	490399721006138
490399721003046	490399721005011	490399721006139
490399721003047	490399721005012	490399721006140
490399721003048	490399721005013	490399721006141
490399721003049	490399721005014	490399721006164
490399721003051	490399721005015	490399721006166
490399721003053	490399721005016	490399721006167
490399721003054	490399721005017	490399721006168
490399721003055	490399721005018	490399721006169
490399721003056	490399721005019	490399721006170

490399721003057	490399721005020	490399721006171
490399721003058	490399721005021	490399721006172
490399721003060	490399721005022	490399721006173
490399721003062	490399721005023	490399721006174
490399721003063	490399721005024	490399721006175
490399721003069	490399721005025	490399721006176
490399721003070	490399721005026	490399721006179
490399721003071	490399721005027	490399721006180
490399721003072	490399721005028	490399721006181
490399721003073	490399721005029	490399721006182
490399721003074	490399721005030	490399721006183
490399721003075	490399721005031	490399721006184
490399721003076	490399721005032	490399721006185
490399721003077	490399721005033	490399721006186
490399721003078	490399721005034	490399721006187
490399721003079	490399721005035	490399721006188
490399721003080	490399721005036	490399721006189
490399721003081	490399721005037	490399721006190
490399721003082	490399721005038	490399721006191
490399721003083	490399721005039	490399721006196
490399721003084	490399721005040	490399721006197
490399721003085	490399721005041	490399721006198
490399721003086	490399721005042	490399721006199
490399721003096	490399721005043	490399721006200
490399721003097	490399721005044	490399721006205
490399721003098	490399721005045	490399721006206
490399721003099	490399721005046	

Skyline – Study Area 502283

320079515002000	490451306002030	490451306002054
320079515002024	490451306002031	490451306003162
320079515002040	490451306002032	490451306003163
490451306001410	490451306002033	490451306003164
490451306001657	490451306002034	490451306003166
490451306002008	490451306002035	490451306003169
490451306002010	490451306002036	490451306003170
490451306002016	490451306002037	490451306003172
490451306002017	490451306002038	490451306003177

490451306002018	490451306002039	490451306003180
490451306002020	490451306002042	490451306003181
490451306002021	490451306002043	490451306003182
490451306002022	490451306002044	490451306003188
490451306002023	490451306002046	490451306003189
490451306002024	490451306002048	490451306003190
490451306002025	490451306002049	490451306003197
490451306002026	490451306002050	
490451306002027	490451306002051	
490451306002028	490451306002052	
490451306002029	490451306002053	

EXHIBIT B

Central Utah-Emery Census Blocks

490070005001233
490070005001234